

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE  
LICENSE OF

**MICHELE L. CATHCART, L.P.N.**  
**License # 26NP06744100**

TO PRACTICE NURSING IN THE  
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER  
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Michele L. Cathcart ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about November 10, 2014, a letter was sent to Respondent on behalf of the Board, asking about allegations that she borrowed \$3,000 from a resident of Linwood Care Center, where she was employed as a nurse, in 2013. Respondent was also asked to provide documentation of completion of nursing continuing education for the licensing cycle of June 1, 2012 to May 31, 2014.

3. Respondent admitted that she borrowed money from the resident, K.K. and that she signed a note agreeing to repayment of the \$3,000. She also claimed that she has been making payments to the estate of K.K., who is now deceased.

4. Respondent did not provide documentation of completion of any nursing continuing education.

5. On Respondent's 2014 renewal application, Respondent indicated that she would have completed all required nursing continuing education for the June 1, 2012 – May 31, 2014 licensing cycle by May 31, 2014.

### **CONCLUSIONS OF LAW**

Respondent's borrowing money from a patient at the facility where she was employed as a nurse constitutes a boundary violation and professional misconduct within the intendment of N.J.S.A. 45:1-21(e).

Respondent's failure to demonstrate completion of nursing continuing education requirements for the 2012-2014 licensing cycle is deemed to constitute a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on her 2014 renewal application that she would complete all required continuing education for the preceding renewal period by May 31, 2014 is deemed to constitute misrepresentation in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, two reprimands, a two hundred and fifty dollar (\$250) civil penalty, and completion of a Board-approved ethics course was entered on February 12, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all

reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline. Respondent acknowledged that she had made a terrible mistake by accepting \$3000 from a resident of the nursing facility where she then worked and suggested that she was trying to rectify the situation with the now deceased resident's estate. Respondent also provided documentation of completion of the following continuing education:

16.6 hours completed within the June 1, 2012 – May 31, 2014 period;

15 hours completed within the June 1, 2014 – May 31, 2016 period.

Respondent may apply the 15 hours recently completed in February 2015 to cure the deficiency of the previous biennial period. Respondent asserted that she had completed the required continuing education at a nursing facility, but failed to provide any documentation therefrom. Respondent submitted multiple certificates for in-service training, which certificates do not indicate any contact hours or that the courses were approved or accredited as continuing education for nurses.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, although the Board did determine to modify the Provisional Order. Respondent admitted that she borrowed \$3000 from a resident of the nursing facility where she worked and the Board finds that to be a boundary violation and professional misconduct. Respondent failed to demonstrate, to the satisfaction of the Board, that

she had completed 30 hours of continuing education within the June 1, 2012 – May 31, 2014 biennial period. As such, a two hundred and fifty dollar (\$250) civil penalty is warranted, as is a reprimand for her false answer on her renewal whereby she certified that she had completed the required continuing education when she was unable to demonstrate that she had done so. Inasmuch as Respondent cured the deficiency in her continuing education, the Board determined that suspension was no longer warranted.

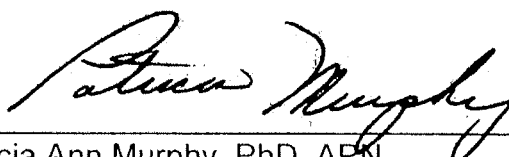
ACCORDINGLY, IT IS on this 17<sup>th</sup> day of May, 2015,  
ORDERED that:

1. A reprimand is hereby imposed for the boundary violation and professional misconduct committed by Respondent, i.e., for borrowing \$3,000.00 from a resident at a facility where she was employed as a nurse.
2. Respondent is hereby ordered to complete a nursing ethics course, pre-approved by the Board, within three months of the filing of a Final Order of Discipline in this matter. Respondent shall write to the Board, reference this Order, and obtain pre-approval of any ethics course she proposes to take. Respondent shall submit a certificate of completion to the Board within three months of the filed date of this Final Order of Discipline.
3. A reprimand is hereby imposed for the misrepresentation on Respondent's 2014 renewal application with regard to completion of nursing continuing education.
4. A civil penalty in the amount of two hundred and fifty dollars (\$250) is hereby imposed for the violation of N.J.A.C. 13:37-5.3. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey,"

or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:

  
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Patricia Ann Murphy, PhD, APN  
Board President